

Rambler, Alexis

From: Wessinger-Hill, JoAnne
Sent: Thursday, April 29, 2021 10:56 AM
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Cc: PSC_Attorneys
Subject: RE: Cross Examination Exhibits Please Cite and Refer to Exhibit Number -- DN 2019-224-E/DN 2019-225-E

Dear Parties of Record:

On behalf of the Court Reporter and for the clarity of the record, it is requested that when you present, discuss, question, or share an exhibit during this proceeding, you must state and identify the number of the exhibit. During the course of these proceedings, representatives of the parties have not been consistent in advising or referencing the number of the Exhibit that which is the subject of the witness questioning.

Remember, each attorney is responsible to make sure the other attorneys have the cross examination exhibit. Commission staff or counsel WILL make every attempt to provide a courtesy copy to all parties as a back-up, to place on the DMS, and to hopefully prevent issues and delays between the parties. This courtesy does not relieve the attorney of his/her responsibility.

If you are cross examining a witness, you must state the Exhibit Number as you have pre-numbered the Exhibit so that the Exhibit can be distributed. The copies provided to Ms. Wilson for the Commission (both electronic and hard copy) are not distributed until you present upon cross examination in accordance with standard trial practice and procedure just as if you were here in the Hearing Room.

If you are cross examining a witness, you are to provide the exhibit to all parties AND to the witness as you have the address from the Virtual Media Plan. **Attorneys – if it is your witness under cross examination, you should also make sure that your witness has the cross examination exhibit also.** Remember, just because we are all together virtually, instead of person, there is no change in the basics of handling exhibits and sharing documents with parties and witnesses – the only change is the electronic element and use of email and virtual screen shares.

For example, the following are suggested ways to refer to the Exhibit for the Record. If you don't know the Hearing Exhibit Number, please at least refer to the Exhibit as the number designated by the Party as prefiled (or submitted if a Cross Examination Exhibit):

(1) the prefiled Direct Exhibit of ORS Witness Baron known as SB-1 is now Hearing Exhibit No. 27. You should refer to the Exhibit as Hearing Exhibit No. 27, page _____ if you are citing only to a page or as Hearing Exhibit No. 27 if you cite to the whole document. You could also refer to the Exhibit as Hearing Exhibit No. 27, which is SB-1.

(2) the prefiled Direct Exhibits for DEC/DEP Witness Wintermantel known as "Wintermantel DEC.DEP Exhibits 1 thru 3" are composite Hearing Exhibit No. 11. You should refer to Exhibit as "Wintermantel DEC.DEP Exhibit No. 1 of Hearing Exhibit No. 11.

(3) any cross examination Exhibit presented to a witness upon cross examination would be referenced as you pre-marked and pre-numbered the Exhibit. For example, CCEBA's Cross Examination Exhibit No. 6 was first referenced as "CCEBA Cross Examination Exhibit No. 6" when counsel for CCEBA was cross examining Witness Wintermantel on direct. Counsel was have asked for CCEBA Cross Examination Exhibit No. 6 to be distributed and then once entered following identification, etc., the Exhibit is now known also as Hearing Exhibit No. 13.

Thank you for your attention to this matter. Please know it is requested that counsel identify the exhibit by number or document by name so that it is clear which exhibit you are referencing and which exhibit needs to be distributed in the process (if it is a cross examination exhibit).

Jo Anne

Jo Anne Wessinger Hill

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docket. If you have received this communication in error, please immediately notify us by telephone at (803) 896-5100.